LABOUR DEPARTMENT. 649

No. L. S. 1540—L.W 71-50-29, Bangalore, dated 30th June 1952.

Labour—Disputes—Dispute between the Mysore District Automobile Workers and the Mysore District Automobile owners, Mysore—Second interim award of the Industrial Tribunal, Bangalore—published.

Read the following papers :—

(1) Government Order No. L. S. 1866—LW. 71-50-25, dated 7th August 1951.

(2) Reference dated 14th June 1951 from Sri T Singaravelu Mudaliar, B.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday, the 14th day of June 1952.

Present.

Sri T. Singaravelu Mudaliar, B.A., B.L.,	...	... *Chairman*
Janab Mohamood Sheriff, B.A., LL.B.,	...	... *Member*
Sri S. Rangaramiah, B.A., LL.B.,	...	... *Member*

I Party—The Mysore District Automobile Workers' Association, Mysore.

Versus

II Party—The Mysore District Automobile Owners' Association, Mysore.

A. C. Number I of 1951-52.

SECOND INTERIM AWARD.

In Government Order No. L.S. 1866—L.W. 71-50-25, dated 7th August 1951, His Highness the Maharaja of Mysore referred the disputes between the Employers in relation to the Automobile Services in Mysore District, specified in Schedule I, annexed to the said Order and the workmen employed by them in respect of the matters specified in schedule II, annexed to the said Order.

On the 21st of April 1952, an Interim Award was passed according to the terms agreed upon between the both parties and has been submitted to Government.

Parties then took up the questions involved in Item Numbers 7, 10 and 13(b) in the terms of reference in Schedule II in the Government Order stated above. Item No. 7 is "The running staff should be provided with food, etc., when on the line". Item No. 10 is "The employers should meet all the expenses of the running staff when on the line". Item No. 13 (b) is "In addition Drivers and Conductors going on the line, should receive each an allowance of Rupees Two per day."

Discussions between the parties took place in the presence of the Tribunal on the 12th and 13th of June 1952. It was stated before the Tribunal on behalf of the Management that the principle involved in these three terms of reference should be that the Drivers, Conductors and Cleaners should be paid such a batta as would cover their out-of-pocket expenditure for the meals and tiffin they have to take when on the line.

In the course of discussions with regard to item No. 7 of the reference, *i.e.*, The running staff should be provided with food, etc., when on the line, as demanded by the Labour Association, after consideration of various difficulties that would arise if this demand is given effect to, it was given up as being impracticable. Then with

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regard to Item 10 of the reference, *i.e.*, the employers should meet all the expenses of the running staff when on the line, this demand of the Labour Association is too vague and indefinite and therefore was not seriously considered. With regard to Item 13(b), *i.e.*, Drivers and Conductors going on the line, should receive each an allowance of Rupees Two per day, there was lengthy discussion for two days. Sri A. Venkatesia, Advocate for the Employers, referred to the Award of the Industrial Tribunal, presided over by Sri M. Venkataramaiya, B.A., B.L., and relied upon the principles laid down therein on Page 20 of the Award *vide* G.O. No. 2169, dated 29th April 1948 of the Government of Madras, wherein it is stated "In arriving at a decision on the subject we have to consider what for is the batta paid. An employee leaving his home on the work of the employer and has to stay outside his place of residence necessarily has to spend extra money. He has got to be paid money for getting his food at the other end. He has to be compensated for that. To that extent to which he is put to extra expenditure he must be compensated. That is obvious. At the same time, batta should not be made a source of profit, or extra income. The only extra income is in the shape of less expenditure at home as he dines out when on duty. A man who goes out on a bus over a long distance must be of robust health if he has to do the work day after day." The principle evolved in the above quotation is accepted by both the parties. It therefore follows that the Employer has got to pay to the employees—Driver, Conductor or Cleaner—batta from the moment he starts the service till he returns to Headquarters. Having regard to this aspect, the longest route which a bus runs from Mysore, is more than 150 miles a day. These routes are from Mysore to Shimoga and from Mysore to Narasimharajapura. The staff running on these two lines, start from Mysore in the morning and arrive at their destinations in the evening and they have got to make a halt overnight at their destinations. The return journey similarly starts in the morning from that end and ends at Headquarters in the evening.

The staff should therefore be provided with a mid-day meal and tiffin in the evening and a night meal at the place of halt, a tiffin the next morning, a mid-day meal in the afternoon and a tiffin in the evening, before the bus arrives at Headquarters. These trips therefore involve three meals and three tiffins for each of the staff. This is accepted by both parties. The point for decision is, whereas the employer is prepared to pay Re. 0-14-0 for a meal and Re. 0-6-0 for a tiffin, the Labour Association demands Re. 1 for a meal and Re. 0-8-0 for a tiffin. It was pointed out to us, in our opinion, legitimately, that although a vegetarian meal and a vegetarian tiffin may be available for Re. 0-14-0 and Re. 0-6-0, respectively, a non-vegetarian meal and a non-vegetarian tiffin may not be so available and for the strain involved on the members of the staff running more than 150 miles a day requires good nourishment and we are told that a large number of the members of the running staff are non-vegetarians. It is not possible, in our opinion, to make a distinction, while fixing the rates of allowances between vegetarians and non-vegetarians. This was the matter which did not lead to the common understanding between the parties and eventually both parties have left it us to decide. For the reasons we have already stated, we consider that Re. 1 per meal and Re. 0-8-0 per tiffin are reasonable rates. We therefore award that Re. 1 shall be fixed per meal and Re. 0-8-0 per tiffin. Accordingly for services running 150 miles and above on a trip which involves 3 meals and 3 tiffins as already stated for both the foward and return journey, a batta of Rs. 4-8-0 has to be paid. In this connection, no distinction is to be made between the Driver, Conductor or Cleaner since all of them are expected to take their meals during the trips. With regard to the services running between 120 miles and 150 miles, both parties agreed that these trips involve one meal and two tiffins. Therefore, a batta of Rs. 2 for both Up and Down journeys is awarded. For trips involving less than 120 miles, the staff is to have only one meal and a tiffin. Therefore for such trips Rs. 1-8-0 is fixed as

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batta for both Up and Down Journeys. When within such trips, the staff has got to halt overnight out of Headquarters, an additional sum of annas four is to be added. In trips involving less than 120 miles, where the members of the staff need not have their meals or tiffin outside Headquarters their batta is fixed at Re. 1.

With regard to the services running in Mysore City, the rates now being paid are annas twelve for the whole day on the basis of two tiffins, and the demand is that they must be paid at the rate of annas eight a tiffin. According to the view we have expressed above, the staff should get eight annas for each tiffin which will be Re. 1 a day if the staff works both in the morning and in the afternoon.

T. SINGARAVELU MUDALIAR,
Chairman.

MOHAMOOD SHERIFF,
Member.

S. RANGARAMIAH,
Member.

NOTIFICATION.

Order No. L.S 1540—L.W. 71-50-29, Bangalore, dated 30th June 1952.

WHEREAS the Second Interim Award of the Industrial Tribunal, Bangalore, in respect of the dispute between the workers and management of the Mysore District Automobile Services has been received;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Dispute Act, 1947, (Central Act XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the award be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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